

Notice of Allowability

Application No.

10/501,311

Examiner

Jaison P. Thomas

Applicant(s)

MAO ET AL.

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to application filed on 7/13/2004.
2. ☒ The allowed claim(s) is/are 2,4-43,54-58 and 66-71.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 7/13/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 9/14/2007
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Mark Kopec
Primary Examiner

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Group I, claim(s) 2-43,54-58 and 66-71 drawn to methods of making carbonaceous particles using two separate solutions.

Group II, claim(s) 1,44-53,59-65 and 72, drawn to method of making carbonaceous particles, coated carbon particles, anodes, electrical storage cells, and methods of manufacturing electrical storage cells.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the inventions of Group II contain additional features which are not recited in the invention of Group I.

3. During a telephone conversation with David Westphal (Reg. No. 32,673) on 9/7/2007 a provisional election was made to prosecute the invention of Group I, claims 2-43,54-58 and 66-71.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

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or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

EXAMINER'S AMENDMENT

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with David Westphal (Reg. No. 32,673) on 9/7/2007.

The application has been amended as follows:

1.1 In Claim 2, **delete** and **replace** with -- 2. A process for the production of coated carbonaceous particles comprising: providing a first solution of a carbon residue forming material, wherein the first solution comprises one or more solvents and a carbon residue forming material selected from materials which, when oxidized and then thermally decomposed in an inert atmosphere to a carbonization temperature of at least 850°C, form a residue which is at least 90 wt. % carbon; providing particles of a carbonaceous material as a dispersion in a second solution comprising one or more solvents; mixing the first solution of the carbon residue forming material and the dispersion of particles of the carbonaceous material at an elevated temperature; depositing a coating of the carbon residue forming material onto the surface of the

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carbonaceous particles; and stabilizing the coated particles by subjecting the coated particles to an oxidation reaction.--

1.2 In Claim 4, **delete** and **replace** with -- The process of claim 2, further comprising adding one or more solvents to the mixture of the first solution and the dispersion of particles.--

1.3 In Claims 5, 9, 23 and 25-34, line 1, **delete** "Claim 1" and **replace** with --Claim 2--.

1.4 In Claims 19,21 and 22, line 1, **delete** "Claim 3" and **replace** with --Claim 2--.

1.5 In Claim 37, line 1, **delete** "Claim 37" and **replace** with --Claim 35--.

1.6 **Cancel** Claims 1,3,44-53,59-65 and 72.

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

6. The following is an examiner's statement of reasons for allowance: The closest prior art known to the Examiner is listed on the attached PTO 892 and 1449 forms. As shown in Hayashi et al (US Patent 5906900) it is known in the art to deposit a carbon residue onto a carbonaceous particle by mixing the starting materials in a single starting solvent. However, the art \does not teach, suggest or motivate the creation of coated carbonaceous particles wherein the residue material and the carbonaceous particle are dissolved in the separate solutions prior to mixing the particles together and forming the resulting coated carbonaceous particles.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jaison P. Thomas whose telephone number is (571) 272-8917. The examiner can normally be reached on Mon-Fri 8:30 am to 5:00 pm.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Mark Kopec
Primary Examiner

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Jaison Thomas
Examiner
9/14/2007

JT


Mark Kopec
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